

200211

RSPA - 1993-13564-146

JILL LONG, M.C.
4TH DISTRICT INDIANAAGRICULTURE COMMITTEE
VETERANS' AFFAIRS COMMITTEE
SELECT COMMITTEE
ON HUNGER

Congress of the United States
House of Representatives
 Washington, D.C. 20515

WASHINGTON OFFICE
 1513 LONGWORTH BUILDING
 WASHINGTON, D.C. 20515
 (202) 225-4436

DISTRICT OFFICES

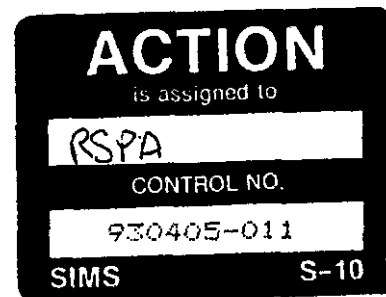
1300 SOUTH HARRISON STREET
 ROOM 3105
 FEDERAL BUILDING
 FORT WAYNE, INDIANA 46802
 (219) 424-3041

105 EAST MITCHELL
 KENDALLVILLE, INDIANA 46755
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1190 U.S. 27 NORTH
 BERNIE, INDIANA 46711
 (219) 589-8699

April 2, 1993

The Honorable Federico Pena
 Secretary of Transportation
 U.S. Department of Transportation
 400 Seventh Street, SW
 Washington, D.C. 20590



Dear Mr. Secretary:

We are writing to express our concern with the proposed interim final rule that would include edible and inedible vegetable oil and animal oil in the same class as hazardous materials (Docket No. HM-214, Amendment Nos. 171-119, 172-232, 176-32). These materials are not hazardous, and the classification of them as such would create, in our view, serious problems for farmers, consumers, agribusiness, and government agencies. Recognizing that the vegetable and animal oil industry has a responsibility to prevent and clean up spills when they occur, we nevertheless believe there is no sound reason to designate these edible products as hazardous. We therefore urge the Department of Transportation to develop thoughtful and fair rules to govern potential spills of edible oil products that are separate from those governing hazardous materials. To the extent future spill rules are needed for the food industry, we urge the Department to develop appropriate food product rules that are separate from those governing hazardous materials.

The reasons for our recommendations are:

- These products do not exhibit hazardous characteristics: they are not corrosive, flammable, combustible, toxic, explosive, or radioactive and they should not be regulated as such.
- Vegetable oils and animal fats do not cause significant environmental harm when spilled, and certainly cause no greater harm than spills of other food products such as molasses or vinegar. Moreover, the vast majority of

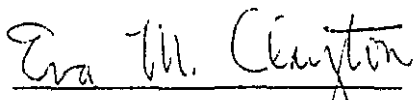
The Honorable Federico Pena
Page 2.

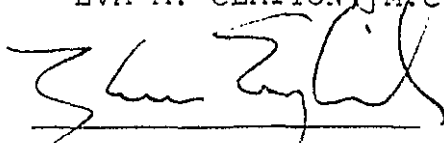
spills of vegetable and animal oils occur at loading and unloading points, which are already adequately covered under Spill Response Rules administered by the Coast Guard and EPA.

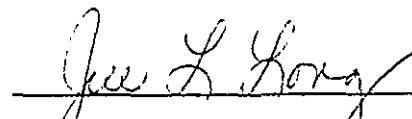
- Classifying edible products as hazardous would create interagency conflicts. The Food and Drug Administration gives these products GRAS -- Generally Regarded As Safe -- status. The USDA, EPA, DOE, and other agencies are working to develop environmentally safe fuels and products based on vegetable and animal oils. Moreover, a hazardous materials classification for vegetable oils and animal fats would interfere with the implementation of the Sanitary Food Transportation Act, which is also administered by the DOT.
- The proposed approach would erode the value of the hazardous materials regulations by designating as hazardous materials substances that are not hazardous.
- Classifying these materials as hazardous will impose significant compliance costs on farmers, consumers, and the transportation, food processing, and related agribusiness community with little or no benefit to the environment or to human health and safety.

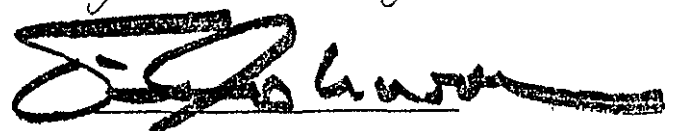
We strongly urge DOT to remove vegetable oils and animal fats from the classification of hazardous materials. Should the regulations as proposed not be amended to reflect the concerns raised in this letter, we urge you to extend the deadline for comments and hold a public hearing on this important issue.

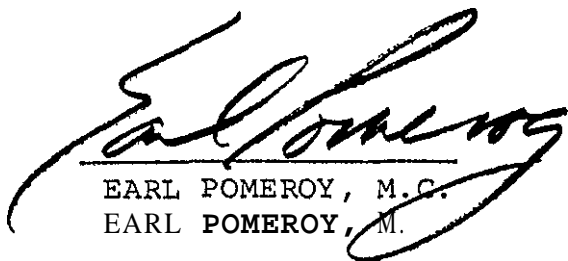
Sincerely,

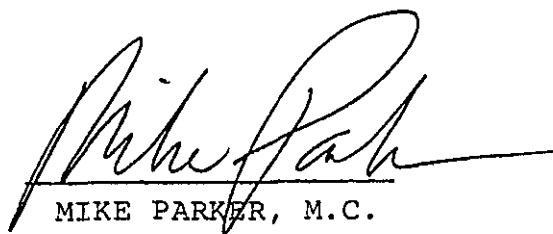

EVA M. CLAYTON, M.C.

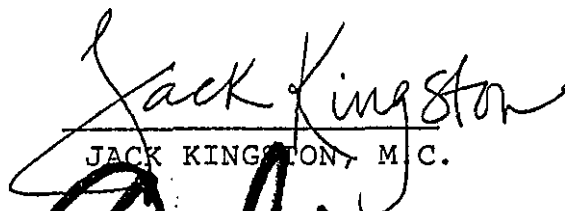

GLENN ENGLISH, M.C.


JILL L. LONG, M.C.

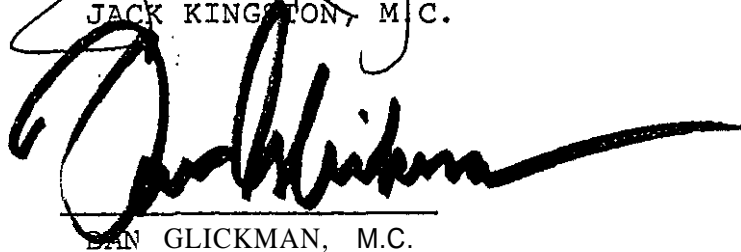

TIM JOHNSON, M.C.


EARL POMEROY, M.C.
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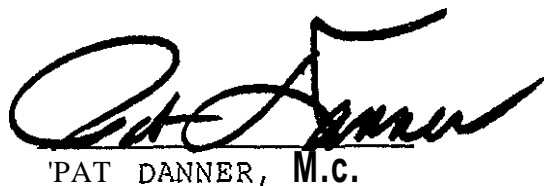

MIKE PARKER, M.C.

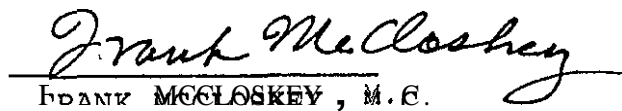

JACK KINGSTON, M.C.


BILL EMERSON, M.C.

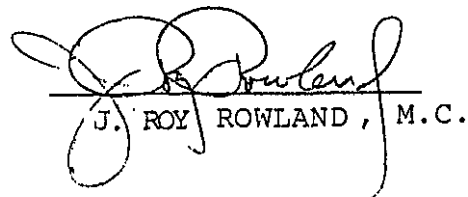

DAN GLICKMAN, M.C.


TIM VALENTINE, M.C.

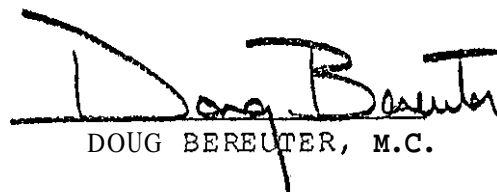

PAT DANNER, M.C.

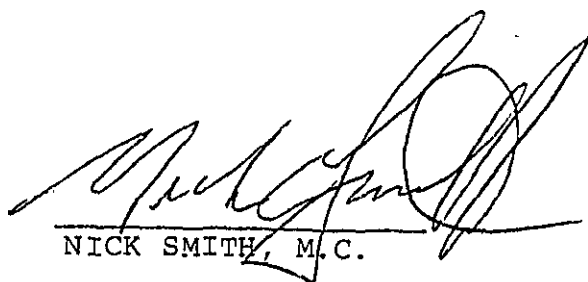

FRANK MCCLOSKEY, M.C.


BLANCHE LAMBERT, M.C.

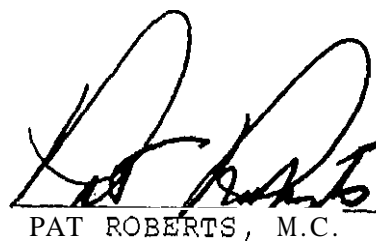

J. ROY ROWLAND, M.C.


COLLIN PETERSON, M.C.


DOUG BEREUTER, M.C.



NICK SMITH, M.C.

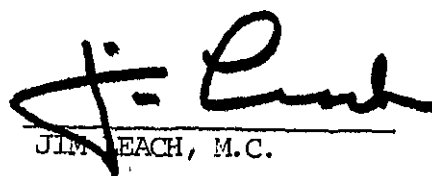


PAT ROBERTS, M.C.

HAROLD VOL



DICK DURBIN, M.C.



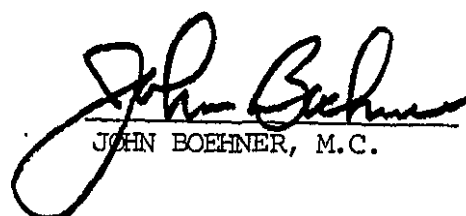
JIM LEACH, M.C.



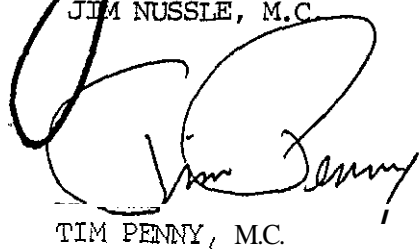
DAVID MINCE, M.C.



JIM NUSSLE, M.C.



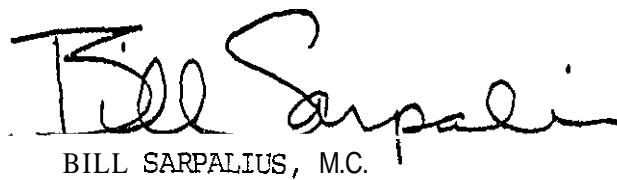
JOHN BOEHNER, M.C.



TIM PENNY, M.C.



TOM BARLOW, M.C.



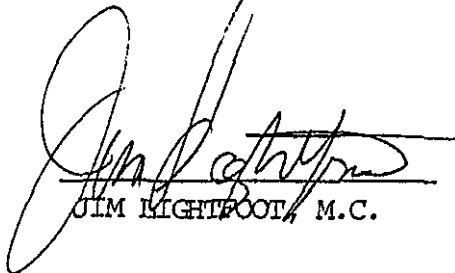
BILL SARPALIUS, M.C.



LARRY COMBEST, M.C.



HOWARD COBLE, M.C.



JIM RIGHTFOOT, M.C.



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

930405-011

930405-032

930405-040

930405-041

The Honorable Eva M. Clayton
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Clayton:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

On April 15, 1993, RSPA issued a notice which extended the comment period on the interim final rule and announced a public hearing to allow greater opportunity for public comment (copy enclosed). The public hearing was held on May 13, 1993, at the Federal Aviation Administration's Auditorium in Washington, D.C. The comment period is extended to June 3, 1993. The enclosed RSPA fact sheet summarizes the rationale for classifying non-petroleum oils as hazardous materials and clarifies some public concerns regarding provisions of the interim final rule.

We appreciate your interest in this rulemaking. Copies of your letter and this response have been made part of the public docket. If you need further information concerning this matter, please contact Rose A. McMurray, RSPA's Acting Administrator at (202) 366-4433.

An identical letter has been sent to the cosigners of your letter.

Sincerely,

Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Glenn English
U.S. House of Representatives
Washington, DC 20515

Dear Congressman English:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

...
The Honorable Jill L. Long
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Long:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the **rule** that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Pefia

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Tim Johnson
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Johnson:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), **as** amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

...
The Honorable Earl Pomeroy
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Pomeroy:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The **rule** establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of **1990**, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation **Act**. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Sincerely,


Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Jack Kingston
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kingston:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Refia

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Dan Glickman
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Glickman:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Sincerely,


Federico PeAa

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Pat Danner
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Danner:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Pefia

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Bill Emerson
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Emerson:

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Sincerely,

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Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Tim Valentine
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Valentine:

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Federico Pefia

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Mike Parker
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Parker:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Blanche Lambert
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Lambert:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Collin Peterson
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Peterson:

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An identical letter has been sent to the cosigners of your letter.

Sincerely,

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Federico Peña

Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Frank McCloskey
U.S. House of Representatives
Washington, DC 20515

Dear Congressman McCloskey:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable J. Roy Rowland
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Rowland:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Doug Bereuter
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Bereuter:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Nick Smith
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Smith:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Harold Volkmer
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Volkmer:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, O.C. 20590

May 27, 1993

The-Honorable Jim Leach
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Leach:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Federico PeAa

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Jim Nussle
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Nussle:

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Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Tim Penny
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Penny:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Bill Sarpalius
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Sarpalius:

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Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Pat Roberts
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Roberts:

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Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Dick Durbin
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Durbin:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable David Minge
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Minge:

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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The-Honorable John Boehner
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Boehner:

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Enclosures



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 21, 1993

The Honorable Tom Barlow
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Barlow:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Larry Combest
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Combest:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Jim Lightfoot
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Lightfoot:

Thank you for your letter, cosigned by your congressional colleagues, concerning an interim final rule published by the Department of Transportation's Research and Special Programs Administration (RSPA). The rule establishes oil spill response planning measures under the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990, and implements the spill prevention mandates of the FWPCA. The rule is also issued under the authority of the Hazardous Materials Transportation Act. You expressed concern with a provision of the rule that designates edible and inedible vegetable and animal oils as hazardous materials.

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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 27, 1993

The Honorable Howard Coble
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Coble:

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